

A  
SERMON

Preached in the *Parish-Church* of

S<sup>t</sup>. Mary Saviour's

I N  
SOUTHWARK

At the *Lent-Assizes*, Febr. 28. 1671.

BEFORE THE

HONOURABLE

S<sup>t</sup> Thomas Twisden

AND

S<sup>r</sup> William Morton

HIS MAJESTIES' Judges of ASSIZE.

AND

At the Request of *Ellis Crisp* Esq; High Sheriff of the  
County of SURREY.

By *Thomas Horton* D. D.

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Prov. 21. 3. *To do Justice and Judgment is more acceptable to the Lord then Sacrifice.*  
Joh. 7. 24. *Judge not according to the appearance, but judge righteous Judgment.*

London, Printed by W.R. for Ralph Smith, at the Bible, under  
the Piazza of the Royal Exchange in Cornhill, 1672.

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**SERMON**  
**PREACHED**  
**BEFORE THE**  
**JUDGES**

The Eight and Twentieth of February, 1671.

2 Chron. 19. 6.

*And he said to the Judges, Take heed what ye do, for ye judge not for Man, but for the LORD, who is with you in the Judgment.*

**T**here is nothing more comely, or amiable, than when *Worth* goes together with *Honour*; and when *Places of Trust* and *Dignity* meet with

B

Persons

## A Sermon preached

*Persons of Faithfulness and Integrity for the managing and discharge of them, from whence they prove to be mutually acceptable, and advantageous one to the other. This is that which is observable of us in the carriage and scope of this Scripture which we have now before us, where Jehoshaphat the King of Judah finding it to be in some Respects requisite and necessary for Him to set up certain Officers of State, and to appoint Judges in the Land, for the better ruling and governing of his Kingdom under himself: He does not content himself only to appoint them their Places, but he is careful also to mind them of their Duties, and to provoke them to care and diligence in these places which were imposed upon them, and sustain'd by them: That they might be the better enabled to give their Charge to others, he first of all gives his Charge to them, and lays a very strict and solemn Injunction upon them. That so from the same Authority whence they received their Office it self, they might likewise receive some kind of fitness and preparation for it; And he said unto the Judges, Take heed what ye do, &c.*

In which words there are two main parts considerable of us. First, A Charge premised. Secondly, A Reason annext for the enforcing of this Charge. The Charge, that we have in these words, *Take heed what*



ye do. The Reason annex in these, *For ye judge not, &c.* Or if ye will, we may invert the parts, and take them thus; First, A *Truth* declared. Secondly, A *Caution* inferred upon the supposition and declaration of this *Truth*. The *Truth* declared in these words, *Ye judge not, &c.* The *Caution* infer'd in these, *Take heed what ye do.* So as the one is in the nature of the *Doctrine*, the other of the *Use*; And in this method and order shall I now with Gods gracious assistance take notice of them; I begin first of all with the former, which is the *Doctrine* or *Truth* declared, and this consisting of two Branches more; First, The simple *Preposition*. Secondly, The additional *Amplification*. The *Preposition*, that ye have in these words, *Ye judge not for Man, but for the Lord.* The *Amplification*, that ye have in these, *Who is with you in the Judgment.*

First, Here is considerable of us the simple or single *Preposition*, *Ye judge not for Man, but for the Lord*: This is that which is here asserted and declared concerning the *Judges*. But it seems to carry some kind of difficulty and intricacy with it, and therefore will require a little opening and explication of it to us, in what sense it is to be taken by us. The *Preposition* it self is of that nature as wherein the Parts are segregated and separated one from the

other, and accordingly we shall speak separately and distinctly of them. First, By shewing how far the Judges *do* indeed judge or *not* judge for *Man*. Secondly, Shewing how far and in what respects they *do* judge for the *Lord*. For there is a Truth contained in *both*, being rightly stated and understood by

us. First, To view it in the *first* reference, as it hath respect unto *Men*: Judges they do in a sense, and in some sort, judge even *thus*; They judge for *Man*, and that according to a *twofold* explication: First, For *Man*, that is, by *Mans Appointment*, *Hominum Institutio*. Secondly, For *Man*, that is, for *Mans Advantage*, *Hominum Commodo*.

First, For *Man*, that is, by the *Appointment* of *Man*: They judge *so*, and so *they may* judge: It is true, They are by *Gods* appointment chiefly, as we shall hear afterwards out of the *Text*, but they are by *Man's* also *subordinately*; and therefore even here in this present Scripture are said so to be. In the verse immediately preceeding, namely, the *fifth* verse of this Chapter, it is said, That *Jehashaphat* set up Judges in the Land, throughout all the fenced Cities of *Judah*, City by City. And so *Moses* by the advice of *Jethro*, chose able men out of all *Israel*, and they judged the People at all Seasons, *Exod.* 18. 25, 26.

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And so *Samuel*, upon the same account also he judged *Israel* all his Dayes, and went from year to year in Circuit, 2 Sam. 7. 15, 16. *Judges* they are no new thing in the World, but have been long appointed, and that by *Men* themselves: Therefore expressly call'd in Scripture the Ordinance of *Man*, or *Humane Creation*, *ut sit ad hominem*. 1 Pet. 2. 13, 14. Submit your selves to every Ordinance of *Man*, for the *Lords* sake, whether it be unto the King, as *Supream*, or unto *Governors* that are sent by him. These *Governors*, amongst the rest, are the *Judges*, who are there described, from the main scope of their Office, in reference either to *Punishment* or to *Reward*.

Secondly, For *Man*, that is, for Mans *Advantage*; They judge for man likewise so: for man, that is, for the good of man, and as that which is *beneficial* to him, for so it is. *Judges*, and the Dispencers of *Justice*; they are of very great use and necessity in the life of *Man*, without which he could not well *subsist* or hold out in the World, nor indeed the *World* subsist it self. *Man* by nature is so mild a Creature, and hath so much corruption and perverseness in his heart, as that without *Judgment* and *Justice*, People would be ready to destroy both *themselves* and *one another*. Therefore we have very great cause to bless God for such as *these*, and to submit unto them,

as being indeed *our own* greatest Interest and Accommodation. For it is the happiness of every thing which is *inferior*, to be in *subordination* to an *higher* than it self, for the regulating and ordering of it: And the *weaker* that any thing is, by so much the more does it *need* the power of another to *support* and assist it. I therefore the *Aposile* speaking of the *Magistrate*, sayes, He is *the Minister of God to thee for good*, Rom. 13. 4. that is, he is so by *his Place and Office* in the proper nature and scope of it. And for *good* in the full *latitude*, and extent of *goodness*: God in *mercy* and favor to *Man*, hath appointed *Magistrates* and *Governors* to Rule him, and *Judges* to pass Sentence upon him; and therefore accordingly hath commanded that they should be *acknowledged* and *prayed* for by him, 1 Tim. 2. 1, 2. *I exhort that Supplications and Prayers, and Intercessions and giving of Thanks be made for all men, for Kings and for all that are in Authority, that we may lead a quiet and peaceable life in all godliness and honesty.* Which word *that*, is to be taken not onely *Intentionaliter*, but *Consecutive*; not onely as shewing the *End* or Reason *why* we should make such Prayers, but also as shewing the *Effect* or *Consequent* of such Prayers being made, and the good which does follow from *such Persons* for whom they are made. And thus

thus have we seen in what sense it does indeed hold good, That *Judges do judge for Man*; which is twofold, First, For *Man*, that is, by *Man's Appointment, Hominum Instituto*. And secondly, For *Man*, that is, for *Man's Advantage, Hominum Commodo*.

It remains now further in the next place, that we should look upon it in the *Negative*, and see how far it does *not* hold as it is declared to us here directly and expressly in the very words of the *Text, They judge not for Man*. Now this, it may be thus far explicated and unfolded unto us; First, Not for *Man* in an *exclusive* sense; not for *Man only*. Secondly, Not for *Man* in a *Superlative* sense; not for *Man chiefly*. Thirdly, Not for *Man* in an *Irregular* or *Inordinate* sense; not for *Man corruptly*; neither of these wayes for *Man*.

First, Not for *Man* in an *Exclusive* sense, not for *Man only*. Judges they do in some respects (as we have shewn) judge for *Man*, but they do not judge for *Man alone*. There is an *higher* who is to be look'd at, and regarded in their Judgments; and whom accordingly it concerns them to *appeare* and to *acquit themselves to*. They may not think that when they have satisfied *Man*, and done that *only* which they required of them, that they have discharged their  
Duty,

Duty, but must consider moreover, that they are answerable and accountable to God, who will also take an account of them.

Secondly, Not for Man in a *Superlative* sense, not for Man *chiefly*: Judges they judge for Man, but in the *second* place, not in the *first*; they judge for *Man* as the *subject* and *object* of their Judgment which it is exercised and conversant *about*; judge *betwixt man and man*, as the Scripture expressees it: But *man* is not the main *End* or *Scope* of their Judgment which it is carryed and directed unto, but a *greater* Person; they judge for *Man* in *reference* to *God*, upon *his* account; and such considerations as these: And therefore we are required to *submit* unto them *for the Lords sake*, in the place before acknowledged.

It is a *rule* in the exposition of Scripture, That *Comparationes negative non excludunt sed praponunt*; That *negative* Comparisons they do not *exclude* one part, but *prefer* another: As for example, where it is said, God will have *Mercy* and not *Sacrifice*; the meaning is not, that he will not have *Sacrifice*, but that (in such cases) he will *rather* have *Mercy*. So when *St. Paul* says of himself, That *Christ* sent him him *not to Baptize*, but to *Preach* the Gospel: It was not as *prohibiting* Baptisme, but as *preferring* Preaching.



*Preaching*: Again, when it is said of *Servants*, As doing Service to the *Lord* and not unto *Man*; it is not as excluding *Man*, but as extolling *God*: To the *Lord*, and not unto *Man*; that is, to the *Lord* rather than unto *Man*; and so here now in the *Text*, *Ye judge not for man; but for the Lord*; that is, not for man so much as for the *Lord*: Not for man in a *Superlative* sense, for man principally or chiefly. ye judge not for man so.

Thirdly, Not for man in an *irregular* or inordinate sense; not for man corruptly, ye judge not for man; that is, not for the meer will and pleasure of man, *Non Hominibus*, i. e. *Non Hominum arbitrio*. Judges in the administration of Judgment are not to make it their business to please and gratifie men, or to do nothing but what may be acceptable and satisfactory to them. These that thus seek to please such, they are not the *Servants of Christ*, Gal. 1. 10. Therefore what *St. Peter* speaks in general of all *Christians*, it holds more particularly and especially of such kind of *Persons*, that they should not live to the lusts of men, but to the will of *God*, 1 Pet. 4. 3. It is a dangerous thing for any *Persons* whatsoever to make men to be the absolute rule and byass of their *Actions*, as being compassed with very much infirmity: But it is to none more dangerous then it is to those who are in

Places of *Judicature* and Publick Government; to such as those it is more hazardous than to any other besides. And therefore it is that the Scripture does lay so many strict *Cautions* and *Prohibitions* to this purpose of having regard to *man* in such matters as these are. Thus *Levit. 19. 25. Thou shalt not respect the person of the Poor, nor honor the person of the Mighty, but in Righteousness shalt thou judge thy Neighbour.* So *Deut. 1. 17. Ye shall not respect persons in Judgment, but ye shall hear the Small as well as the Great: Ye shall not be afraid of the face of man, for the Judgment is Gods.* Again, *Deut. 16. 19. Thou shalt not wrest Judgment, Thou shalt not respect Persons.* In all these places, and the like, is *man* excluded from an *absolute* influence upon such a censure as this is, as whereby it should be *regulated* or *determin'd*. And so are we now to take it here in the *Text* in this expression before us, *Ye judge not for man*, that is, not for the *fear* of man, so as to be terrified by that. *Ye judge not for man*, that is, not for the *favor* of man, so as to be tickl'd by that. *Ye judge not for man*, that is, not for the *fancy* of man, so as to be led or guided by that: not for *man*; that is, not for mans *lust* and *humour*, and *extravagancy*, and *inordinate affection*: Not for *man* in any case, so by any means. The word *Man* in Scripture-Language is some-

Sometimes used as *Terminus Diminuens*, as carrying some kind of *disparagement* and diminution with it. Thus 1 Cor. 3. 3. Are ye not *carnal*; and walk as *man*, καὶ ὡς ἄνθρωπον. And accordingly in *this* Notion is it considerable of us here in this place, as to the business in hand: And so ye have seen this passage in the full sense and explication of it here, and in what respects it is here said, That ye do not judge for *man*; that is, not for *man onely* but for the Lord *also*; not for *man chiefly*, but for the Lord *rather*; not for *man absolutely and indefinitely*, and at large, howsoever consider'd or qualified, but in submission and subordination to the Lord; for *man* in compliance with God, but not in contradiction to him, or opposition against him. And so much may suffice to have spoken of this *Judgment* in its *first* reference, as it hath respect unto *man*, which we have seen both in the *Affirmative and Negative*.

The *second* reference of it is, as it hath respect to God, in these words, *But for the LORD*. And *this* as well as the former doth admit of various explanations; we may take them briefly thus;

First, For the Lord *Authoritatively*, by Warrant and Commission from Him. They are appointed by *man* (as I shewed before) *immediately*, but by God *originally*. They take their Office first of all from

Him, who is the *Author and Owner* of it: Therefore saith *Wisdome*, that is *Christ*, who is the *essential* Wisdome of the Father, *Prov.* 8. 15, 16. *By me Kings Reign, and Princes decree Justice: By me Princes Rule, and Nobles, even all the Judges of the Earth.* It is said in *Judges* 2. 16. That the Lord raised up *Judges*, and 2 *Sam.* 7. 11. That he commanded *Judges*: And here in the *Text*, it was not *Jehoshaphat* only of himself, but probably by direction from God: Therefore, together with other *Magistrates*, they are call'd expressly, *The Ministers of God*, *Rom.* 14. 4. Are said to be ordain'd of God, which is accordingly made to be a ground for obedience and subjection to them.

Secondly, For the Lord *representatively*, in the Lord's *stead*: *Judges* and *Magistrates* they are in the room and place of God, as *Joseph* sometime spake of himself to his Brethren, *Gen.* 50. 19. And therefore sometimes also have they the name of God fasten'd upon them, *I have said ye are Gods*, *Psal.* 82. 6. They are *Dii nuncupative*, though not *formaliter*. And they are *Dii participative*, though not *essentialiter*: God hath stamp't his own *Power and Authority* in part upon them, which they do execute for his sake, and in reference to him: Therefore it was the Speech of the Lord to *Moses* concerning *Aaron* his  
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Brother, *Exod. 4. 16.* And he shall be thy Spokesman unto the People: And he shall be even to thee in stead of a Mouth; and thou shalt be to him in stead of God; that is, he shall be thine Interpreter; and thou shalt be his Governor, to reveal my will unto him, and Power to Command him: This is order'd in great goodness and kindness to the Sons of Men; Look as in the Work of the Ministry, it is a favour that God speaks to us by man, and not by himself (Let Moses speak to us, and we will bear him, but let not God speak to us, least we die, *Exod. 20. 19.*) So here as to the work of the Magistracy, it is a favour that God judges us by man, and not by himself: For so he does now here in this present World; indeed in the World to come, then he will judge men by himself more immediately, but for the present he does it by his Officers: Man is now judged by his Peers, who judge for the Lord; as representing him in this Judgment, *Domino, i. e. Loco Domini.*

Thirdly, For the Lord effectually or intentionally, for the Lord's Interest: God hath therefore appointed Judges and Magistrates, and such kind of Persons in the world, that so from thence his own Honour might be preserved more inviolably in it; That his Commands might be the more regarded, and his Laws might take the greater place in the Hearts of his People,

*ple. Ye judge for the Lord;* as by your places in the right discharge of them, ye bring more glory to God than other men do. The *higher* that any are in *Place*, the greater in *Influence*, and they have larger opportunities of doing good afforded unto them; which is indeed, if it be duely consider'd, the greatest excellency and advantage of them. Oh what a great deal of good hath a good *Magistrate* occasion to accomplish, for the restraining of *Vice*, for the promoting of *Virtues*, and every way for the advancing of the *Name* of God in the World! There is no man that does the *least* good, but he serves the *Lord* in it in some *measure*. But those that do *such* good as *this* is, they do serve *Him* in it more *especially*. Every *Sin* in the proper nature of it, but some more especially strikes at the very *Majesty* of God, and opposes his *Interest*: Therefore *Judges* whiles they set themselves against *Sin*, they do so far forth act *for God*; for the *Lord* Emphatically. And so now I have done with the *first* Branch of this *first* general, to wit, the simple or single *Proposition* in those words, *Ye judge not for man, but for the Lord*.

The second is the additional *amplification*, in those, *Who is with you in the Judgment*: This is added, to make the Declaration so much the more *considerable*, and to *quicken* these *Judges* in this  
 their



their Office, which was undertaken by them: But how does this hold good, and in what sense is it spoken? Take it if you please thus,

First, He is with you to behold you, to observe you, and to take notice of you: He is *with you*, that is, he is present amongst you, and sees all that is done by you; God standeth in the Congregation of the mighty, he judgeth among the gods, Psal. 82. 1. Amongst them, or in the midst of them, as the words run in the Text, where any Persons are gather'd together in his Name, there is He in the midst amongst them. It holds good not onely of Ecclesiastical Assemblies, but also of Judicial. As for King Jehoshaphat, who appointed and set up these Judges, He could not be alwayes or every where with them himself, nor have his Eye continually upon them: He could not perfectly take notice of the things which were transacted by them; but he tells them, That the Lord was with them, and so consequently that he saw and beheld them, which was more considerable to them, then any thing else: As his Eyes are with Kings upon the Throne, Job 36. 7. So also with Judges upon the Bench, as being himself the chiefest of all: He is with you in the Judgment to behold you, That's the first.

Secondly,

Secondly, He is with you to *assist* you, and to in-  
able you, and to be helpful to you: He is *with* you,  
not onely in your *Persons*, but also in your *Employ-  
ment*, and in your *Work*, to promote you *in it*,  
and carry you *through it*. This is that which is *re-  
quisite* and necessary to every business that we take in  
hand, which is of any *consequence*; but more espe-  
cially in such a business as *this* is, which we now  
mention. And it is that which is here graciously  
*promised* to such Persons as these are, in the exercise  
of their *Judiciary proceedings*: This we may conceive  
him to be *two* manner of wayes, Either first of all, by  
way of *general* and habitual *Qualification*: Or se-  
condly, by way of *actual* and particular *Assistance*.  
The *former*, by inabling them for their work: The  
*latter*, by inabling them *in it*. And this *latter* as  
well as the *former* is that which is much to be *prized*  
and regarded by them: It is *that* which is very needful  
and desirable in *all other* professions & Employments  
besides. For God is not onely to be with them *re-  
motely* by a *common* and general *Preparation*, but al-  
so to be with them *immediately* by a *particular con-  
currence*. Thus (for instance) a *Preacher*, he does  
not onely need a qualification *in general*, for the  
work of the *Ministry*, but also God's assistance in  
every *particular Sermon*; Nor a *Souldier* does not  
need

need onely to be train'd up to the War in *general*, but to have assistance in *every Battell*: Nor a *Physician* to have Skill *at large*, and in the *habitus*, but to have assistance as to such a particular *Patient*, and to such a particular Disease; And as is said of our blessed Saviour, To have Power *present* with him *to Heal*. And so for *Judges*, and the Distributers of *Justice*, not only to be *able men* in the Law & Affairs of Judicature, consider'd at *large*, but also to be *assisted* by God in such particular *Causes*, and in such particular *Cases*, and in such particular *Difficulties* which are at any time *brought* before them. And this (as I conceive) is included also in *his being with them*; and from God in the mouth of *Jehoshaphat*, intimated and *declared* unto them. That which is here rendred, *In the Judgment*, is in the Text *Bid-var Mishpbat*, which according to a different signification of the Hebrew word מִשְׁפָּט hath a *double* sense with it: This word it signifies both *Res* and *Verbum*: And each of them very *pertinent* to the purpose in hand. God promising assistance to these *Judges* in each particular; First, He is with you *in-re Judicii*, that is, in the *matter* of the Judgment, as the *Margin* expresses it: He is with you to enable you to *judge aright*, and to discern of *the Cause* and business it self which is offer'd and *presented* to you.

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Secondly,

Secondly, He is with you *in verbo judicii*, that is, he is with you in the Sentence and Verdict which is given by you, and which comes from you. As in each of these you do *need his assistance*, so in each of these you have the *promise of his assistance made over to you*, upon your *dependence upon him* for it: He is *with you*, so as to *assist you*, and to *inable you*; That's the *Second*.

Thirdly, He is with you, *to defend you*; not only to stand *among you*, but also to stand *by you*, and to stand *to you*: This is that which is to be *supposed* and taken for granted, that those who are in any kind *hinderers* and *restrainers of Sin*, they shall be sure to have *Enemies, Ministers* that reprove and *condemn it, Magistrates* that censure and *punish it*: And therefore accordingly will they *need* such as may be *Abettors* to them. This is that which *God himself* does *undertake* herefor these *Judges*; That he will *thus be with them*, and that according to a *twofold injury*, whereunto they are exposed from those who are *Enemies to them*. The one is of *Reproach* and *Ignominy*, the *strife of Tongues*. The other is of *Assault* and *Mischief*, the *Hand of Violence*: with respect had to each of these will God be *with them to defend them*: He will defend their *Names*, to *justifie them*, and he will defend their *Persons*, to *protect them*, and to keep them *from evil*. First

First, Their *Names* to *justify* them; where they are careful to discharge their *Consciences*, and to do that in good *earnest* which is their *Duty*; they shall be sure to have *Him* with them *thus*, so as to *clear* them, and to take off those *Scandals* which are past upon them: While men seek to please *men*, and to curry favour with *them*, God does many times, in *just* Judgment, give them up to the *censures* of men, and make them more *odious* and abominable; But while they are careful to discharge their *Duty*, he does from thence clear *their Innocency*.

Secondly, Their *Persons* to protect them; there are sometimes *desperate* People in the world, who by their *insolency*, and violent attempts, would *fright* those who are the *Dispensers* of Justice, from that which is to be done by them; but God *himself* takes care of them, and *watches* over them. Those who are publick *Magistrates*, they are under a more special *Protection*; and *those Angels* which are charged with others, do take more *special* charge of *them* than of any others besides: God is *with* them, to *defend* and *preserve* them on every side; to *hide* them in the *secret* of his presence, from the *prize* of man, and to keep them *secretly* in a *Pavilion*, from the *strife* of *Tongues*, Psal. 31. 20.

Thirdly and Lastly, He is *with you* to *bleſs* you, and to *reward* you for that *good* which is at any time *done* by you: There's no man that does any thing for God, that shall be a looser by him, but shall have it abundantly recompenc'd to him. Those that are with Him, he will be sure to be with them; and those that Honour Him, He will Honour: Those that are for him, to Serve him, he will be for them, to Crown them, and to bestow a full Reward upon them; He judge not for Man, but for the Lord; and ye receive not from Man, but from the Lord, as that which is chiefly considerable. What ever good any man doth, the same shall he receive from the Lord, whether he be Bond or Free, Eph. 6. 8. To be sure he shall not lose his Reward, nor his Labour be in vain. And therefore that which is here exprest by Gods being with you, some Tranilations render it, *Quod in vos redundabit*, that is, which shall at last turn to your own account. And thus have we seen how many wayes God is said to be with those who are his Servants, in such businesses as these are, To observe them, to assist them, to defend them, and to bestow a blessing upon them: And accordingly it shews how far it is both to be pursued, and also acknowledged by such kind of persons, not onely to partake of Gods common and essential presence, in regard whereof he is said



said to be with all *his Creatures*; but also to partake of Gods *special* and *gracious* presence, in regard whereof he is said to be with those who are *his Servants and Children*.

The ground and foundation of this, is *Immanuel*, who is, *God with us*: First, *With us*, in our *nature*, which is reconciled to God *in Christ*, who hath taken it upon *himself*; and then *with us* in our *Persons*, who are *in Covenant* with God through *Christ*, upon compliance with *Evangelical Conditions*: And then also last of all with us, in our *Services and Performances*, as coming from such *Persons*. And so now I have done with the *first general* part of the Text, which is the *Truth declared*: And that consisting of *two Branches*, First, The *Proposition*, *Ye judge not for Man, but for the Lord*. And secondly, The *Amplification*, who is *with you in the Judgment*. And this in the nature of the *Doctrine*.

The Second is the *Caution* *inferred* upon the *Supposition* and Declaration of this *Truth*, *Take heed what ye do*; and this in the nature of the *Use*. Now this again it may be looked upon by us *two* manner of wayes; First, In its *simple Injunction*. And secondly, In its *rational Inference*. The *simple Injunction*, that is considerable in the *words themselves*.

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The *rational Inference*, that is considerable in the *connexion* of these words with the *other*, knit together by the *Causal For*.

First, To speak of them as they lie in *themselves*, and in the *simple Injunction* ; Here's a *Caution* given to the Judges, To *take heed what they do* ; where, by the way, before we go any further, give me leave to put in this, that when we say here to the *Judges*, we are not to take these *Judges* in the *limited* sense only, but in the *extended* ; nor in the *Peculiar* sense only, but in the *Comprehensive* ; not only for such Persons as are the *prime and principal* in Judicature, and have the *chief* managing of it, whom we call by a special Eminency, *The Justices of the Assize*, (though these *especially*) but also all *others*, who by their *Places* are any way *subservient* or *subordinate* to them. Even *they* do likewise come within *this compass*, and have this Charge given unto them, *Justices of Peace, Witnesses, Jurors, Pleaders*, and all others, whosoever they be, who do any thing contribute to the administration of *Justice*. It is that which does indeed concern *all men whosoever at large*. There's no man that does *any thing* at all, but it be hoves him to *take heed what he does*, because every man is *accountable* to God for whatsoever is done by him : But it concerns those who are the *Dispensers of Justice*

*Justice*, to take this heed above all others; for which cause they are called upon to do so: To take heed, and to see what they do, as the Hebrew word *נִרְאָה* properly signifies, that is, to be well inform'd, and to have good *Evidence* for what is done by them

The giving of *Caution*, it does alwayes, or at least, for the most part, suppose some kind of *danger*, which is incident to those *persons* to whom it is given, otherwise there were no *need* at all for the giving of it; Now there is a *double danger* which such are exposed to, who are imploy'd in the affairs of *Judicature*: The one is danger of miscarrying, and the other is danger from miscarrying. There's danger of miscarrying, lest they should do so; and there's danger from miscarrying, if they should do so; where there is either or both of these, we do usually give, and are willing to receive, *Caution* and *Præmonition*.

First, Danger of miscarrying, there's a great deal of this in this business: The work of *Judgment* is such a nice and intricate business, and hath so many *Difficulties* and *Perplexities* oftentimes belonging unto it; that if there be not a great deal of *care* taken about it, it is the *easiest* thing that can be to miscarry in it. Besides that, those who are exercised in it, are for the most part lyable to great *Temptations* on every

every side; which do call for the greater *vigilancy* and *circumspection* in them, and give them occasion for *looking about* them in those things which are undertaken by them.

Secondly, Danger from miscarrying, there is much of *that* likewise in it, being a matter of very great *consequence* and concernment in it's own *nature*. And this is a most sure rule and observation, That *those things* which are most *excellent* in *themselves*, and right improvement, are commonly most dangerous in their *miscarrying* and disappointment: Thus it is here in this *business* whereof we now speak, as to the *administration of Justice*. Forasmuch as there is a great deal of *good* which comes (as I have shewen before) from it's proceeding *regularly*; there is consequently a great deal of *danger* and mischief insuing from its *prevarication*; Danger to the *Judges* themselves, danger to the *Persons* who are *judged* by them, danger to the *whole State* and *Commonalty* it self; not onely mens lives, but their Souls sometimes hazarded by it. All which laid together, do give ground for this *hint* which is here exhibited to them, of *taking heed* what they do, which indeed we may take in the notion either of a *Caution*, or of a *Commination*; of a *Caution* or *Admonition*, that they *might* not do amiss: And of

a *Commation* or Threatning, if they did so.

Whiles it is said here, *Take heed what ye do*; we are moreover to take this expression, as in the full latitude and extent of *Persons* (as I hinted before) that is to say, both of the *principal* Judges, and the *subordinate*; of *themselves*, and of any *other* that are *subservient* to them; so we are likewise to take it in the full latitude and extent of *things*, and of the *Office* belonging to such Persons to be discharged by them, where there are *two* things especially as pertinent and belonging hereunto, and branches hereof: The *one* is as to matter of *Condemnation*, and the other as to matter of *Absolution*; These *two* especially do make up the work of *Judges*, who to speak in the words of the Apostle *Peter* to this purpose, are for the *Punishment* of those that do *Evil*, and for the *Praise* of them that *do well*, *2 Pet. 2. 13.* And so the Apostle *Paul* speaking of the *Magistrate*, and his Power: If thou doest *well* (sayes he) thou shalt have *Praise* of the same. But if thou dost *Evil*, he is an *Avenger* to execute *Wrath*, *Rom. 13. 2, 4.* So then in reference to each of these Parts and Branches of Judicature, we see how this Caution lies, and how far forth it is to be understood by us: As it refers to matter of *Condemnation*; So take heed what ye do there, that ye do not *Condemn the Inno-*

cent: And as it refers to matter of Absolution, so take heed also what ye do there, that ye do not acquit the Guilty; for there's a miscarriage and danger in both: He that justifieth the Wicked, and he that condemneth the just, even they both are an abomination to the Lord, Prov. 17. 15.

First, Then take heed what ye do, that is, that ye do not condemn the innocent; Take heed of that, remember that of the Apostle Paul, which he hath to this purpose, That Rulers are not for a Terror to good Works, but onely to the Evil, Rom. 13. 3. that is, still they are not *seu Officio*, & by their Places, which inclines them otherwise: And therefore it is supposed, that those who are good, should not be afraid of their Power, because instead of being checked and reprov'd, and condemn'd by them, they should rather (as it is there express'd) have praise from them. Thus it ought to be in this particular, and for this purpose a great deal of care and heed to be had about it, lest men should fall under that censure which St. James fastens upon some persons, Ye have condemn'd and killed the Just, and he doth not resist you, James 5. 6.

Secondly, Take heed what ye do, that is, that ye do not acquit the Guilty: There's a Care to be had of that likewise. As Innocency is to be cherish'd and  
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protected; so is *Vice* also to be discountenanced and punished, which is another branch of the Office of such Persons as are in place of *Judicature*, For the Punishment of those that do evil, as was exprest in the Scripture above-mentioned. This is that which lies upon them, to be careful of in themselves, and to take heed that nothing may binder them, or take them off from it; whether fear of Displeasure, or hope of Reward, or remissness of Spirit, or inordinate Affection, or what ever else we might name, as might be obstructive hereunto: Although there is alwayes a tenderness to be had as to the managing of such Censures, and a sensibleness of humane infirmity and common frailty; yet as for the thing it self, it cannot be safely neglected or omitted by such kind of persons as are intrusted with it. There's a great deal of mischief which follows upon the intermission and restraint of Justice in this particular, when as convicted Offenders are not brought to condign Punishment: For from hence are men so much the more strengthen'd and confirm'd in Sin, and encouraged to the Commission of it, according to that of Solomon, Eccles. 8. 11. *Because Sentence against an evil Work is not executed speedily, therefore the Hearts of the Sons of Men are fully set in them to do Evil. Wickedness it improves from Indulgence, and the more that*

men are favour'd in it, the more earnestly are they set upon it, and addicted to it; which makes so much the more for such a Course as this is to be taken with it.

This Caution was never more *seasonable*, then in these *Times* wherein we live, in which Sin is come to that *height* and extremity as it is amongst us in all *particulars*; In *Filthiness*, in *Drunkenness*, in *Luxury*, in *Oppression*, and in all manner of *Profaneness*. And these also carryed on with an *high Hand*, with a *brazen Face*, with a *bold Fore-head*: The *Impudence* of Sin in this Age, makes it to be *notorious and abominable*; wherein People are so far from being *ashamed* of it, as that they rather *glory in it*, and make their boasts of it, counting it an advantage to them to make *Others* as bad as *themselves*; because they think that whiles Sin is more *common*, it will be less *scandalous*, as having *many* to plead for it. Give me leave to instance in *one Sin* amongst the rest, which there are very good *Laws* against, and it is pitty but they were put into *Execution*, and that is your *common and profane Swearing* and *Cursing*, and *hideous Blasphemy*, whereby the great and glorious *Name of God* is in a most fearful and execrable manner *rent and torn in pieces*: We cannot pass the *Streets*, but our *Ears* are ready to *tingle* at the hearing

ing of such *horrid Oaths* as are utter'd in every corner. A *Sin* which is the more *intollerable*, as it is less *accountable*, which men have nothing to say for themselves in the defence of it, as having no provocation or *temptation* at all to it, but onely the *naughtiness* and perverseness of their own *Hearts*; who will be *wicked* because they *will* be, and are *resolved* in themselves so to be, let there come on it what there *will*.

Now this does very much call for the *restraint* of those that have *Power* to restrain it; *An heinous Crime*, and *an Iniquity to be punished by the Judges*. To use that expression, *Job 31. 11.* and so for all *other Sins* besides, which do come within their compass. This *Caution* here in the *Text*, it reaches them in *this* particular, To *take heed what they do*, yea, and to take heed what they do *not* do too, which is *included* also in it: For even *simple omissions* are very *dangerous* in such cases as these are. In times of common and *publick Corruption*, and the spreading of wickedness in the *World*, there are *two sorts* of *Persons* especially which are very highly concern'd, and cannot easily discharge themselves from *Guilt*, in the *neglect* of their *Duties* about it; *Magistrates* and *Ministers*. *Ministers* whiles they neglect to *reprove* it, they become guilty of it by their *silence*. And *Magistrates*

*strates* while they neglect to *punish* it, they become guilty of it by their *Indulgence*. And it is an heavy and grievous thing to draw the burden of *other mens Sins* upon *our selves*, and to partake with them in them, which we do by our connivance at them.

Let us therefore all both *one* and *other* be awakened and exhorted in this particular, *To take heed what we do*; that so our *examples* may have an influence upon our *Offices* in the *successfulness* of them, and both together upon the good of the *State and Kingdome* wherein we live; which we are all of us concern'd in to preserve it what we can in *innocency*, that we may preserve it what we can from *ruine*: For *Righteousness exalts a Nation*, but *Sin is a reproach to any People*, as it is in *Prov. 14. 34.*

And moreover, let us look to our *Hearts and Affections* in all these things; which is especially to be regarded by us. Take heed not onely *what ye do*, but *how ye do it*; which we are also for the *fulness* of the sense to take in, as *included* in this *Cantion*. Man looks to the *outward appearance*, but the *Lord* looks unto the *Heart*: It is possible to be very *unjust* even in the execution of *Justice* it self, according to the *spirit and principle* which men are at any time carry'd *by* in the discharge of it; for which reason it concerns them to be the more *wary* and watchful over them-

themselves. And so much may suffice to have spoken of this passage in the *first* view and notion of it, as it is considerable in the *words themselves*, or simple *Injunction*.

The second is, as it is considerable in the *connexion* of these words with the *other*, or in their *rational inference* express in the causal *For*; because, or forasmuch, *Ye judge not for Man, but for the Lord, who is with you in the Judgment*; therefore, and upon this account and consideration, *Take heed what ye do*: where again, we are to take the branches *distinctly* and separately one from the other, and so the *inference* in each reference both to the *proposition* and to the *amplification*: In reference to the *proposition* thus, *Because ye judge not for Man, but for the Lord*; For there is the force of an argument in both; therefore *take heed what ye do, for that reason*. Again, in reference to the *amplification* thus, *because the Lord is with you in the Judgment*: Therefore take heed what ye do for that also.

First, Take it in the *first* reference, namely, as to the *proposition*, thus, *Take heed what ye do*, because ye judge not for Man, but for the Lord: Where we may first of all in general take notice of the *Topick* or *Nature* of the *Argument*, which is here used; and that as taken not so much from *Humane*, as from  
*Divine*

*Divine* considerations; from *God* himself rather than from *Man*. And it gives us by the way an hint of the disposition of each party; both of the person that used it, and of the persons to whom it was used. First, For the person that *used* it, which was *Jehoshaphat*, we see what *kind* of arguments were most effectual *with* him, by what was used *by* him: There are some that would have dealt with these Judges upon *civil and secular* considerations, and in a way of *Policy*; but *he* deals with them rather upon *sacred* and religious considerations, and in a way of *Piety*. Those things which most prevail with *men themselves*, they are apt commonly to urge upon *others*, from the *sense* and efficacy which they have of them upon their *own Hearts*: And so here.

Again, For the *Persons* to whom this Argument was used: These *Judges* they were probably *pious* and religious men, and such as truly *feared God*, or else *Jehoshaphat* would never have used such an argument as this was to them: Reasons taken from *Piety* are *insignificant* to an *impious Heart*, and carry no stroke at all of prevalency with them. Carnal and *Atheistical* people, who have *no sense* of Religion at all in them, nor *no fear* of God before their eyes; they will sooner *scoff* and *mock* at such arguments and reasons as these, then be any thing moved



or wrought upon by them. But these persons here in the Text, as we may conjecture were better affected. And so this argument which was used unto them, it was proper for them: It was *Argumentum ad Homines*, though not *Argumentum ab Hominibus*. And this we may observe from the Condition of the argument in general.

Now to come more closely to it in particular, *Ye judge not for Man, but for the Lord; therefore take heed what ye do*: The argument holds good in this connexion upon a various consideration, we may resolve it into these following Improvements.

First, *Ye judge for the Lord*, and it is He that employs you; Therefore take heed what ye do, that so thereby ye may discharge your Trust, and approve your selves to him chiefly who is your Master, and that sets you on Work.

Secondly, *Ye judge for the Lord*, and it is He that is represented by you, and in whose place ye stand; Therefore take heed what ye do, that ye may do that which is every way suitable and agreeable to such an excellent Person as He indeed is: This Picture is to be like the Person; and the Image is as near as may be, to be proportionable to the Sampler. Those who are Gods by Title and Appellation, as Magistrates and Judges are, they should, as much as

possibly might be, be Gods also in *property and disposition*: That so it may be said of *them* as was it said of *Paul and Barnabas* at *Lystra*, *The Gods are come down to us in the likeness of Men*, *Acts 14. 11*. Seeing they bear the *Name of God*, sustain the *Place*, represent the *Person*, they should therefore, as near as they can, partake of the *Nature*, and so carry themselves in point of *Judicature* even as *God himself* does. And thus we find it improved in the verse immediately following the Text, the seventh verse of this Chapter, *Wherefore now let the fear of the L O R D be upon you, take heed and do it; For there is no Iniquity with the Lord our God, nor respect of Persons, nor taking of Gifts.* The *Deputies* and *Vicegerents* are to be true and faithful to the *Persons* whom they represent.

Thirdly, Ye judge for the *Lord*, as the *Person* that is especially *aim'd at* and intended in your *Judicature*; and therefore be careful that ye fall not short of that *main End* whereunto ye are *design'd*; and especially that ye walk not *contrary* to it. There is somewhat considerable in reference to *Man*, which in some respects might prevail with you to *intemperance* and exactness in your proceedings. But this consideration; which is taken from *God* is the *chiefest* of all, and so most of all to be minded by you.

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For as old *Ely* spake sometime to his *Sons* to this purpose in 2 Sam. 2. 25. *If one man sin against another, the Judge shall judge him: But if a man sin against the Lord, who shall intreat for him.* And thus does the *Inference* hold good in its first reference, as it is carryed in the *simple Proposition*, *Ye judge not for Man, but for the Lord; therefore take heed what ye do, for that reason.*

Secondly, It holds also in reference to the additional *amplification*, *Who is with you in the Judgment*, and that according to all those explications which we have before given of it.

First, He is with you to *behold* you; therefore take heed what ye do, as those who are accountable to him, for that which shall be done by you. Those who are now Judges of others, they must hereafter be judged themselves, and together with those whom they judge, stand personally before *Christ's Tribunal*: Whereof these inferior *Judicatures* are both a *Representation*, and also an *Affurance*. Therefore there are some Translators who thus render those words of the *Psalmist*, *Psal. 82. 1.* where it is said, *He judgeth among the Gods: They read it, In the midst he will judge the Gods.* Intimating thus much unto us, That the great God of all, he will judge these little and petty gods, which now have his Name upon them; And so he will.

Secondly, He is with you to assist you, Therefore take heed what ye do, as careful to improve that help and assistance which he offers to you: Inablement is an engagement to performance, and the more help at any time we have, the less excusable are we in saying of that Duty which is required of us.

Thirdly, He is with you to defend you; Therefore take heed what ye do, that so ye may give him occasion to defend you still, and testify your thankfulness for his former defending of you: His protection is not to make you the more secure, but rather the more careful.

Lastly, He is with you to reward you; Therefore take heed what ye do, that so he may bestow a full reward upon you: That when the chief Judge of all shall appear, you also may appear with him, and receive a Crown of Glory that fadeth not away: Even a Crown of Justice and Righteousness, which the Lord the righteous Judge shall give you in that day; and not to you only, but also to all them that love his appearing. And thus ye have the Caution infer'd upon the Truth declared, and the Use which follows upon the Doctrine.

Now there is but one thing more behind, which yet is very considerable, for the better enforcing of all the rest; which though it be first in the order of the Text,

Text, yet I have reserved it to the last, as carrying a very good close with it. And that is the Preface or Introduction, in these words, *And he said unto the Judges, which hath the greater Emphasis with it, as it does exhibit to us the Person by whom this Charge is given; And that is Jehoshaphat, who must not be omitted by us; we may look upon him as considerable of us, under a various Reduplication, and that also very pertinent to the matter and business in hand.*

First, As he was a good Man, and one that did himself take heed what he did, therefore he might the better call upon others to do so: *Guilt is an obstruction to Duty, and especially to good Counsel, both in the performance, and also in the success.* But those who are themselves careful and exact in their own Conversation, they may with the greater freedom and confidence advise others; and their advice will from thence prove to be the more effectual.

Secondly, As he was a great Man, and one that had the command of them: He was a King, and where the word of a King is, there is power. Eccles. 8. 4. Not only these Judges Piety, but their Loyalty was concern'd in this business. Good Counsel it would not be rejected from the meanest person; but when besides the pressing matter and nature of the things required, there shall be an accession of the Authority of

Of the *Magistrate* also requiring them, there is a double *engagement*. As one who may in Christ enjoyn that which is convenient, *Philemon 8.*

Thirdly, As he was the Person that *instituted*, and set up these Judges: It was he that gave them their task, that *injoyn'd* them, and put them upon this Service. Therefore he thought himself so much the more *concern'd* in their *ordering and managing* of it. Those that at any time put others into Places of Trust and Publick Employment, whether of *Magistracy* or *Ministry*, are so much the more *engaged* in their faithful discharge of them, as they are themselves *account* of them to them, as undertaking them upon *their account*.

Fourthly, and Lastly, As he was one that had lately received a *check* from God himself, for his own *sinful compliance*, in the second verse of this Chapter: He was from hence now so much the more careful to *warn* and admonish others. Those who have at any time felt the *smart* of Sin in their own Consciences, will be the more *solicitous* to keep off their *Brethren* from falling into the like miscarriages with them, and the ill consequents of them.

And thus now have ye this whole Text in the several parts and branches of it, both the *Preface* and the *Principal Matter*. The *Charge* which is given, with the Person giving this Charge, and from both together a *special engagement* upon the Persons to whom it is given: Here's no place for any *excuse*, or *evasions* of Duty. They could not plead *ignorance*, that they did not know it, for they are here *instructed*. They could not plead *Forgetfulness*, that they did not mind it, for they are here *admonish'd*: And not onely these persons themselves, but all others in the like places with them; they may take these words of the Text as spoken to them, and make use of them. That as *Thyrael*, so I may say, Take heed what ye do, for ye judge not for Man, but for the Lord, who is with you in the Judg-ment.

FINIS.